

a person's unexpended Article 5 allowances are the total of the level of Article 5 allowances the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced in that control period until that time.

*Unexpended consumption allowances* means consumption allowances that have not been used. At any time in any control period a person's unexpended consumption allowances are the total of the level of consumption allowances the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced or imported (not including transshipments and used controlled substances) in that control period until that time.

*Unexpended destruction and transformation credits* means destruction and transformation credits that have not been used. At any time in any control period a person's unexpended destruction and transformation credits are the total of the level of destruction and transformation credits the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced or imported (not including transshipments and used controlled substances) in that control period until that time.

*Unexpended essential-use allowances* means essential-use allowances that have not been used. At any time in any control period a person's unexpended essential-use allowances are the total of the level of essential-use allowances the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced or imported (not including transshipments and used controlled substances) in that control period until that time.

*Unexpended production allowances* means production allowances that have not been used. At any time in any control period a person's unexpended production allowances are the total of the level of production allowances he has authorization under this subpart to

hold at that time for that control period, minus the level of controlled substances that the person has produced in that control period until that time.

*Used controlled substances* means controlled substances that have been recovered from their intended use systems (may include controlled substances that have been, or may be subsequently, recycled or reclaimed).

#### § 82.4 Prohibitions.

(a) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2001, for class I, Group VI controlled substances, no person may produce, at any time in any control period, (except that are transformed or destroyed domestically or by a person of another Party) in excess of the amount of unexpended production allowances or unexpended Article 5 allowances for that substance held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production constitutes a separate violation of this subpart.

(b) Effective January 1, 1996, for any class I, Group I, Group II, Group III, Group IV, Group V, or Group VII controlled substances, no person may produce, at any time in any control period, (except that are transformed or destroyed domestically or by a person of another Party) in excess of the amount of conferred unexpended essential-use allowances or exemptions under this section, the amount of unexpended Article 5 allowances as allocated under § 82.9, or the amount of conferred unexpended destruction and transformation credits as obtained under § 82.9 for that substance held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production constitutes a separate violation of this subpart.

(c) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2001, for class I, Group VI controlled substances, no person may produce or (except for transshipments, heels, or used controlled substances) import, at any time in any control period, (except for controlled substances that are transformed or destroyed) in excess of the

amount of unexpended consumption allowances held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production or importation (other than transshipments, heels or used controlled substances) constitutes a separate violation of this subpart.

(d) Effective January 1, 1996, for any class I, Group I, Group II, Group III, Group IV, Group V, or Group VII controlled substances, no person may import (except for transshipments, heels, or used controlled substances), at any time in any control period, (except for controlled substances that are transformed or destroyed) in excess of the amount of unexpended essential-use allowances or exemption as allocated under this section held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess importation (other than transshipments, heels or used controlled substances) constitutes a separate violation of this subpart.

(e) Effective January 1, 1996, no person may place an order for the production or importation of the class I controlled substance, at any time in any control period, in excess of the amount of unexpended essential-use allowances, or unexpended destruction and transformation credits, held by that person under the authority of this subpart at that time for that control period. No person may place an order for the production or importation of a class I controlled substance with essential-use allowances or destruction and transformation credits, at any time in any control period, other than for the class I controlled substance(s) for which they received essential-use allowances as under paragraph (r) of this section, or for which they were nominated for that control period by the U.S. Government to the Protocol for an essential-use exemption. Every kilogram of excess production or importation ordered constitutes a separate violation of this subpart.

(f) Effective January 1, 1996, the U.S. total production and importation of a class I controlled substance (except Group VI) as allocated under this section for essential-use allowances and exemptions, and as obtained under § 82.9 for destruction and trans-

formation credits, may not, at any time, in any control period until January 1, 2000, exceed the percent limitation of baseline production in Appendix H of this subpart, as set forth in the Clean Air Act Amendments of 1990. No person shall cause or contribute to the U.S. exceedance of the national limit for that control period.

(g) In addition to total production permitted under paragraph (f) of this section, effective January 1, 1996, for class I, Group I, Group III, Group IV and Group V controlled substances, and effective January 1, 1995, for class I, Group II, a person may, at any time, in any control period until January 1, 2000, produce 10 percent of baseline production as apportioned under § 82.5 for export to Article 5 countries. No person may, at any time, in any control period until January 1, 2000, produce class I, Group I, Group II, Group III, Group IV, and Group V controlled substances for export to Article 5 countries in excess of the Article 5 allowances allocated under § 82.9(a). No person may sell in the U.S. any class I controlled substance produced explicitly for export to an Article 5 country.

(h) Effective January 1, 1995, no person may import, at any time in any control period, a heel of any class I controlled substance that is greater than 10 percent of the volume of the container in excess of the amount of unexpended consumption allowances, or unexpended destruction and transformation credits held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess importation constitutes a separate violation of this subpart.

(i) Effective January 1, 1995, no person may import, at any time in any control period, a used class I controlled substance, without complying with the petition procedures as under § 82.13(g) (2) and (3).

(j) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2001, for class I, Group VI controlled substances, a person may not use production allowances to produce a quantity of a class I controlled substance unless that person